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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,910	11/16/2001	Randall L. Rayborn	1067-021	7379
7590		05/18/2007		
Edward W. Rilee				
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			EXAMINER	
			KHAN, AMINA S	
			ART UNIT	PAPER NUMBER
			1751	
			MAIL DATE	DELIVERY MODE
			05/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/994,910

Applicant(s)

RAYBORN ET AL.

Examiner

Amina Khan

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

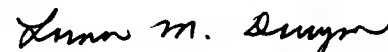
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 17-69.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


LORNA M. DOUYON
PRIMARY EXAMINER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rayborn *et al.*

Serial No.: 09/994,910

Filed: November 16, 2001

Confirmation No.: 7379

For: **TREATED TEXTILE ARTICLE HAVING
IMPROVED MOISTURE TRANSPORT**

Examiner: A. Khan

Art Unit: 1751

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE AND PETITION FOR EXTENSION OF TIME

This responds to the Office Action mailed January 9, 2007 for the above-identified application. In addition, Applicants request and are submitting \$60.00 for a one-month Extension of Time up to and including May 9, 2007.

If any further Extension of Time or additional fees for the accompanying response are required, applicants request that this be considered a Petition therefor. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 501923.

Claims 1-148 are pending, with Claims 1-16 and 70-148 withdrawn in response to a previous restriction requirement.

The Office has rejected Claims 17-19, 23, 44-58, 60 and 62-65 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2002/0034903 ("Shoemaker"). In addition, Claims 20-22, 24-43, 59 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shoemaker. Finally, Claims 66-69 stand rejected as being unpatentable over Shoemaker in view of U.S. Patent No. 4,975,325 ("McKinney").

Shoemaker was filed June 14, 2001, and claims priority to U.S. Provisional Application No. 60/212,128 filed June 16, 2000.

Attached hereto is the Declaration under 37 CFR 1.131 of Richard A. Barnhardt, the Technical Director of Apollo Chemical Corporation, the assignee of the present invention. Note that the Confirmation Number on the Declaration should be 7379. Mr. Barnhardt is signing on behalf of the assignee pursuant to MPEP 715.04(D). The other inventors, Randall L. Rayborn

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rayborn et al

Serial No.: 09/994,910

Filed: November 16, 2001

Confirmation No. 7679

Examiner: Amina Khan

Art Unit: 1751

For: **TREATED TEXTILE ARTICLE HAVING
IMPROVED MOISTURE TRANSPORT**

Commissioner for Patents

P O. Box 1450

Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 CFR 1.131

I, Richard Barnhardt, declare that:

1. I am the technical director of Apollo Chemical Corporation, the assignee of the above-referenced invention.

2. Exhibit A is a true and exact copy of a page from a laboratory notebook prepared on November 4, 1999 by Randall L. Rayborn.

3. Exhibit A shows the manufacture of Treatment Agent Sample 1 as claimed and described by the present application. Table 5, and its accompanying description, as contained in the present application shows the ingredients, amounts, and synthesis methods used to make Treatment Sample Agent 1. Table 5, and its accompanying description, are virtually identical to the ingredients, amounts, and synthesis methods contained in Exhibit A. The composition "2,2'-[1,2 ethanediylbis (oxy)] bis [ethaneamine]" identified in Table 5, is identified as "Huntsman XTJ-504" in Exhibit A. The composition "oxirane, methyl-, polymer with oxirane, bis (2-aminopropyl) ether" identified in Table 5 is identified as "Huntsman XIJ-502" In Exhibit A. Hexanedioic acid, the acid identified in Table 5, is the IUPAC systematic name for adipic acid, the acid identified in the Exhibit A.

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